

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7270

BILL NUMBER: HB 1698

NOTE PREPARED: Jan 2, 2009

BILL AMENDED:

SUBJECT: Sentence Enhancement for Feticide.

FIRST AUTHOR: Rep. Murphy

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill provides that a person who, while committing a violent crime, causes the death of a child in utero may be sentenced to an additional fixed term of imprisonment that is equal to the advisory sentence for the underlying violent crime.

Effective Date: July 1, 2009.

Explanation of State Expenditures: If an offender is incarcerated in a state correctional facility for a longer period of time, costs of incarceration for the Department of Correction (DOC) would increase. Under the bill an offender, who is convicted of a violent crime, may be sentenced to an additional fixed term of incarceration equal to the advisory sentence, which would be served after the sentence is completed for the underlying offense.

Background- This table shows the average length of stay in a DOC facility for all felony class offenders and the midpoint or advisory sentence for each felony class. An offender sentenced under this bill would remain in a DOC facility for the additional sentence after the serving the underlying sentence.

Felony Class	Sentence Range	Advisory Sentence	Ave. Length of Stay (Actual based on all felony offenders)	Proposed Total Term of Incarceration (Advisory Sentence + Ave. Length of Stay)
A	20-50 years	30 years	9 years	39 years
B	6-20 years	10 years	3.7 years	13.7 years
C	2-8 years	4 years	2 years	6 years
D	6 months - 3 years	1.5 years	10 months	2.3 years

On average between 2003 and 2007, there were 5,485 offenders who may be subject to the provisions of this bill. The following table provides the number of admissions to Department of Corrections facilities for the violent crimes identified in the bill:

Description	Admissions					
	2003	2004	2005	2006	2007	Avg. Annual
IC 34-42 Felony offenses, Class A, B, C, D felony	3,178	3,217	3,172	2,616	2,735	2,984
IC 35-45-8-3 Consumer Product Tampering, Class B, C, D Felony	0	0	0	0	0	0
IC 35-43-1-1 Arson, Class A, B, C, D felony	70	62	55	49	43	56
IC 35-43-2-1 Burglary, Class A, B, C, D felony	1,285	1,396	1,342	82	920	1,005
IC 35-48-4-1 Dealing in Cocaine or a Narcotic Drug, Class A, B, C, D felony	1,161	1,363	1,482	1,064	1,075	1,229
IC 35-48-4-1.1 Dealing in Methamphetamine, Class A, B felony	0	0	0	0	0	0
IC 35-48-4-2 Dealing in a Schedule I, II, III Controlled Substance Class A, B felony	265	187	201	120	161	187
IC 35-48-4-3 Dealing in a Schedule IV Controlled Substance Class B,C felony	16	30	16	15	26	21

	Admissions					
Description	2003	2004	2005	2006	2007	Avg. Annual
IC 35-48-4-4 Dealing in a Schedule V Controlled Substance, Class B, C, D felony	4	7	4	5	3	5
Total	5,979	6,262	6,272	3,951	4,963	5,485

The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected:

Information Sources: DOC.

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